

By Mr. Bertonazzi, a petition (accompanied by bill, Senate, No. 474) of Louis P. Bertonazzi and Marilyn L. Travinski for legislation to establish a council of health professionals and occupations within the Executive Office of Consumer Affairs. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT ESTABLISHING A COUNCIL OF HEALTH PROFESSIONS AND OCCUPATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 13 of the General Laws is hereby amended by inserting
2 after Section 8 the following section: —

3 Section 8A. There shall be in the executive office of consumer
4 affairs a council of health professions and occupations whose
5 membership shall include one designee from each of the following
6 boards of registrations already established in chapter thirteen of
7 the General Laws: the board of registration in medicine, the board
8 of registration in podiatry, the board of registration in nursing, the
9 board of registration in optometry, the board of registration in
10 dentistry, the board of registration in pharmacy, the board of
11 registration of veterinarians, the board of registration of dispens-
12 ing opticians, the board of registration of chiropractors, the board
13 of registration of psychologists, the board of registration of social
14 workers, and five members appointed for terms of three years by
15 the governor, one representing nonprofit hospital service corpora-
16 tions under chapter one hundred and seventy-six A, one represent-
17 ing companies authorized to sell accident and health insurance
18 under chapter one hundred and seventy-five, and three persons
19 who shall be consumers of health-care services and are knowledge-
20 able in matters pertaining to the delivery of health care services. All
21 members shall be reimbursed for their necessary expenses incurred

22 in the performance of their duties. The council shall annually elect
23 a chairman from its members. The council shall meet at least four
24 times annually and upon call of the chairman or written applica-
25 tion to the chairman of any three members. The council shall adopt
26 operating procedures governing the conduct of its activities, and
27 have the authority to establish subcommittees whenever their for-
28 mation would further the council's achievement of its mandate.

29 The council, subject to appropriation, shall receive such ad-
30 ministrative, clerical and logistical support as it needs to perform
31 its duties from the division of registration established under section
32 eight of this chapter. The director of the division shall act as
33 secretary of the council.

34 The council shall, consistent with criteria enumerated hereafter
35 in this section, establish procedures for the identification of health
36 services occupations not now registered or licensed, recommend
37 appropriate regulatory modes, and transmit its findings together
38 with any proposed legislation it may deem necessary to the gover-
39 nor, the secretary of consumer affairs and to the general court. The
40 council shall also mediate conflicts within and between the boards
41 whose designees are members of it and issue advisory opinions and
42 recommendations to the board who are in conflict. When a dispute
43 remains unresolved after mediation and recommendation by the
44 council, and the council believes the dispute merits further consid-
45 eration, it shall transmit its findings and recommendations to the
46 governor, the secretary of consumer affairs, and the general court.

47 In determining whether a health occupation or profession shall
48 hereafter be regulated, the council shall consider the following
49 factors: a) In what way will the unregulated practice of the occupa-
50 tion clearly endanger the health, safety, and welfare of the public,
51 and is the potential for harm easily recognizable and not remote or
52 dependent on tenuous argument? b) How will the newly licensed
53 category impact upon the statutory and administrative authority
54 and scope of practice of previously licensed categories in the state?
55 c) Is the scope of practice of the occupation distinguishable from
56 that of other licensed and unlicensed occupations? d) Does the
57 practice of the occupation require specialized skill or training and
58 does the public need assurance of initial and continuing occupa-
59 tional ability? e) Can the citizens of this state be effectively pro-
60 tected by other means?